

**Board of Forestry and Fire Protection**  
**“EMERGENCY NOTICE –**  
**NATIVE AMERICAN NOTIFICATION AMENDMENTS, 2014”**

**Title 14 of the California Code of Regulations (14 CCR),**  
**Division 1.5, Chapter 4, Subchapters 4, 5, & 6, Article 14; Subchapter 7, Article 2**

**AMEND:**

**§ 929.1, [949.1, 969.1]      Plan, and Emergency Notice Preparation [All Districts]**  
**§ 1052                              Emergency Notice**

**929.1, [949.1, 969.1] Plan, and Emergency Notice Preparation [All Districts]**

**(a)** Preparing a plan.

Prior to submitting a plan, the RPF, or the RPF's supervised designee: \*\*\*\*\*

\*\*\*\*\***(e)** Emergency Notice of 3 Acres Or More.

**(1)** Prior to submitting an Emergency Notice of three acres or more, the RPF:

**(A)** Shall ensure that an archaeological field survey is, or has been previously conducted by a professional archaeologist or person with archaeological training (pursuant to 14 CCR § 929.4 [949.4, 969.4]) within the site survey area.

**(2)** Shall provide written notification to Native Americans of the preparation of an Emergency Notice. The primary purpose for this notification is to provide Native Americans an opportunity to disclose the existence of any Native American archaeological or cultural sites that are potentially within or adjacent to the site survey area, and the opportunity to comment on the Emergency Notice. The RPF shall allow a minimum of 10 working days; 5 working days; 5 days for response to this notice

**Comment [MD1]:** ACL stated that it would be more accurate if minimum was replaced with "maximum".

**Comment [MD2]:** Option 1: 10 working days

**Comment [MD3]:** Option 2: 5 working days

**Comment [MD4]:** Option 3: 5 days

1 before submitting Emergency Notice(s) to the Director. The remainder of the 10  
2 working day waiting period is waived when all Native Americans required to be informed  
3 respond in less than 10 days. This notice shall contain the following attachments or  
4 items of information:

5 (A) A request for information concerning the potential existence of any  
6 Native American archaeological or cultural sites within the Emergency Notice area  
7 identified by the RPF.

8 (B) Information concerning the location of the Emergency Notice including:

9 1. A general location map that, at a minimum, shows the  
10 travel route from the nearest community or well-known landmark to the Emergency  
11 Notice area.

12 2. A copied segment of the titled USGS (if available) or  
13 equivalent map(s) that displays the approximate boundary of the Emergency Notice  
14 area, and includes a map legend and a scale.

15 3. A description of the Emergency Notice location including  
16 the county, section, township, range, base and meridian, and the approximate direction  
17 and distance from the nearest community or well-known landmark.

18 (C) A statement that all replies, comments, questions, or other information  
19 submitted by Native Americans as a result of this notice be directed to the RPF. The  
20 name, address, and phone number of the RPF shall be provided.

21 (D) Information concerning the available time for response. Indicate that  
22 the RPF is requesting a response within ten working days from the date of the notice.

23 (23) Prior to submitting an Emergency Notice of three acres or more, the RPF or  
24 the RPF's supervised designee:\*\*\*\*\*  
25

**Comment [MD5]:**Option 1: to revised length of time (in days) to reflect the option selected above (i.e 10 working days, 5 working days, 5 days).

**Comment [MD6]:**Option 2: To delete language entirely, disallowing the Directors waiver of additional time within selected waiting period.

**Comment [MD7]:**Revise timeline to be consistent with selected waiting period.

**Comment [MD8]:**Make waiting period consistent above selected waiting period.

1       ~~\*\*\*\*(C) Shall send a copy of the Emergency Notice to Native Americans. \*\*\*\*~~

2       Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code.

3       Reference: Sections 4582(f), 21002 and 21060.5, Public Resources Code.

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5       **\*\*\*\*§ 1052 Emergency Notice**

6       **(a)** Before cutting or removing timber on an emergency basis, \*\*\*\*

7  
8       ~~\*\*\*\*(10) A copy of the notification to Native Americans along with any response~~  
9       ~~received.~~

10       **(11)** For Emergency Notices covering three acres or more in size, the RPF  
11       shall include a Confidential Archaeological Letter with the Emergency Notice submitted  
12       to the Director. The Confidential Archaeological Letter shall include all information  
13       required by 14 CCR §929.1 [949.1, 969.1](c)(2), (7), (8), (9), (10) and (11), including site  
14       records, if required pursuant to 14 CCR §929.1 [949.1, 969.1](g) and 929.5. The  
15       Director shall also submit a complete copy of the Confidential Archaeological Letter and  
16       two copies of any required archaeological or historical site records, to the appropriate  
17       Information Center of the California Historical Resource Information System within 30  
18       days from the date of Emergency Notice submittal to the Director. ~~Prior to submitting the~~  
19       ~~emergency notice to the Director the RPF shall send a copy of the emergency notice to~~  
20       ~~Native Americans as defined in 14 CCR §895.1. \*\*\*\*~~

21  
22       Note: Authority cited: Sections 4551 and 4552, Public Resources Code.

23       Reference: Sections 4592, 4750, 4750.3 and 4750.4, Public Resources Code.

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